

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Defendants.

**DEFENDANTS' PARTIAL
MOTION TO DISMISS
AMENDED COMPLAINT**

Case No.: 1:21-cv-10083-DJC

DEFENDANTS' PARTIAL MOTION TO DISMISS AMENDED COMPLAINT

Defendants move to dismiss part of Plaintiffs' amended complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

In its January Memorandum and Order, ECF No. 50, the Court allowed only a portion of Plaintiffs' claim. Specifically, the Court allowed the claim that U.S. Citizenship and Immigration Services allegedly violates the Administrative Procedure Act by telling asylum applicants and their counsel to file a Freedom of Information Act request instead of allowing the inspection of the record of proceeding purportedly required by 8 C.F.R. § 103.2(b)(16) in the affirmative asylum proceeding itself. Amended Complaint, ECF No. 57, ¶ 30; Memorandum and Order, ECF No. 50, at 15 (citing Complaint, ECF No. 1, ¶ 32).

Defendants hereby move to dismiss the remainder of Plaintiffs' claim, as set forth in the amended complaint, and incorporate the attached Memorandum of Law, which describes in more detail why the remainder fails to state a claim upon which relief can be granted.

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WHEREFORE, Defendants respectfully request that the Court dismiss those portions of Plaintiffs' amended complaint that have not already been allowed by the Court.

March 14, 2022

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/s/ Hilarie Snyder
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RULE 7.1(a)(2) CERTIFICATION

I communicated over email with counsel for Plaintiffs regarding this motion to dismiss. Counsel indicated that Plaintiffs will oppose the motion.

/s/ Hilarie Snyder
HILARIE SNYDER
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify on this 14th day of March 2022 that I have filed this Motion with the Court's ECF system, which sends notice to Plaintiffs' Counsel identified on the NEF.

/s/ Hilarie Snyder
HILARIE SNYDER
Trial Attorney